

BINGHAM McCUTCHEN

Facsimile**FAX RECEIVED****JUN 17 2003**

DATE June 17, 2003

PETITIONS OFFICE

	NAME	FAX	PHONE
TO	Attn: Mail Stop Petitions	(703) 308-6916	

FROM	Antoinette F. Konski	(650) 849-4800	(650) 849-4950
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PAGES (INCLUDING THIS COVER PAGE) 48 12

RE Application Serial No. 08/871,318

Message:

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PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

2, 1

Application Number

08/871,318

Filing Date

December 18, 1997

First Named Inventor

David Fikstad

Group Art Unit

1615

Examiner Name

Young, MP

Attorney Docket No.

WP 2001.00

ENCLOSURES (check all that apply)☒ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declarations☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53☐ Assignment Papers
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☒ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to
Group☒ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify
below):Communication Accompanying Petition to
Revive and Copy of Prosecution by
Assignee and Power of Attorney

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENTFirm
or
Individual NameAntoinette F. Koski
Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111

Signature

Antoinette F. Koski

Date

*June 17, 2003***CERTIFICATE OF TRANSMISSION**

I hereby certify that this paper and all enclosures are being sent to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below via facsimile to (703) 308-6918.

June 17, 2003

Peggy Nichols

Peggy Nichols

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

PTO/SB/17 (09-01)

Approved for use through 10/31/2002. OMB 0551-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
FOR FY 2003**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT**(\$320.00)****Complete if Known**

Application Number	08/871,318
Filing Date	December 18, 1997
First Named Inventor	David Rikstad
Examiner Name	Young, MP
Group Art Unit	1615
Attorney Docket No.	WP 2001.00

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit/
Account
Number

50-2518

Deposit/
Account
Name

Bingham McCutchen LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	750	2001	376	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)**(\$)****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	20**	x	\$
Multiple Dependent	3**	x	\$

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1202	10	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	260	2203	140	Multiple dependent claims, if not paid	
1204	84	2204	42	**Reissue independent claims over original patent	
1205	16	2205	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)**(\$)**

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	320.00
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1808	180	1808	180	Submission of information	
8021	40	8021	40	Disclosure Sum	
1809	750	2809	375	Recording each patent assignment per properties (times number of properties)	
1810	750	2810	375	Filing a submission after final rejection (37 CFR § 1.129(e))	
1801	750	2801	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1802	900	1802	900	Request for Continued Examination (RCE)	
				Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)**(\$320.00)****SUBMITTED BY**

Name (Print/Type)

Antoinette E. Konski

Registration No.
(Attorney/Agent)

34,202

Complete (if applicable)

Telephone

(650) 849-4950

Signature

Antoinette E. Konski

Date

June 17, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

52111687.1/2023913-2239137001

Docket No. WP 2001.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

David Fikstad and Danyi Quan

Serial No.: 09/871,318

Filing Date: May 31, 2001

For: TRANSDERMAL DELIVERY OF
LASOFOXIFENE

FAX RECEIVED

JUN 17 2003

PETITIONS OFFICE

Mail Stop Petitions
Commissioner for Patents
Alexandria, VA 22313-1450**COMMUNICATION ACCOMPANYING PETITION TO REVIVE AND
REQUEST FOR CHANGE OF CORRESPONDENCE ADDRESS**

Sir:

This paper is submitted in connection with a Petition to Revive an Application Unintentionally Abandoned concurrently filed today with the U.S. Patent Office for the above-identified application. This Communication is filed to request: 1) the Office to correct its records for the subject application; 2) a copy of the Final Office Action issued November 5, 2002; and 3) for Suspension of the Rules (37 C.F.R. § 1.183) and Refund of Petition Fees. Any fees due in connection with the filing of this Communication should be charged to the undersigned's Deposit Account, Account No.: 50-2518 (reference number 23913-7001).

Correction of Correspondence Address

Applicants respectfully request that the Office correct its correspondence address records for the undersigned attorney to:

Antoinette F. Konski, Esq.
Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, CA 94111-4067

This correspondence address was supplied to the Office in the Power of Attorney signed by the assignee's representative provided to the Office. A copy of the Power of Attorney is attached hereto for the Office's convenience.

Final Office Action

The subject application became abandoned for failure to reply to the Final Office Action mailed November 5, 2002. Applicants did not respond because a copy of the Final Office Action was not received by Applicants' undersigned attorney. A copy of the Action is respectfully requested, and Applicants request that it be faxed to the undersigned attorney at the number provided below.

Suspension of the Rules and Request for Refund

The subject application became unintentionally abandoned because the undersigned did not receive a copy of the Final Office Action which was mailed to the undersigned's prior law firm. Although the address of the prior firm was listed as the correspondence address when the application was filed, the Power of Attorney (copy attached) identified the undersigned's present law firm and correct correspondence address. (For this reason, a change of correspondence address was not filed with the Office.) Thus, Applicants' attorney respectfully requests suspension of the requirement of the payment of the Petition Fees (37 C.F.R. § 1.183) on the ground that the subject application did not become abandoned for Applicants' failure to act.

DATE: June 17, 2003

Respectfully submitted,

By: 

Antoinette F. Konski, Esq.
Registration No.: 34,202

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